UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,436	04/10/2001	Colin I'Anson	1509-154	8765

22429	7590	07/02/2004

LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER
RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 May 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 – 7, 11 – 12, 14 -19, 21 – 22 and 24 - 36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 – 7, 11 – 12, 14 -19, 21 – 22 and 24 - 36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 May 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>6/14/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 5-10-04 amended claims 1, 4 – 6, 14, 17 – 18 and 21,

canceled claims 8 – 10, 13, 20 and 23 as well as added new claims 24 – 36. In addition,

applicant traversed rejections of Claims 1 – 7, 11 – 12, 14 -19, 21 – 22.

Currently, claims 1 – 7, 11 – 12, 14 -19, 21 – 22 and 24 - 36 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1, 2, 4 – 7, 11, 12, 14 – 18, 21, 22, 24 – 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over Treyz (US 6,587,835 B1) in view of

Esposito (US 6,587,838 B1).

Regarding claim 1 and related claims 17 and 21 (currently amended), Treyz teaches a

shopping assistance service method, comprising the steps of:

(a) capturing information about an item of interest at a business premises where the

item is being offered; by a user using a mobile device and sending the information, at

the time of capture, to a service system over at least a mobile radio infrastructure (see

at least Abstract, Col1, lines 6 – 9, Col 11, lines 31 – 34 and lines 45 – 48 as well as

Figures 1, 2, 16 and 21);

(c) delivering, to said user, at least one of comparative-pricing and availability data for items of the type identified in step (b) for at least one of other business premises in a zone centered on said location (see at least Col 21, lines 25 – 35, Col 24, lines 13 – 15 and Figures 28, 42, 72 and 96).

Although Treyz does disclose receiving information at service provider as well as determining location, the reference does not specifically disclose a method and system of (b) receiving the information at the service system, determining a location associated with the information, and processing the information to identify at least the type of item of interest.

On other hand, Esposito does disclose and teach a method and system of (b) receiving the information at the service system, determining a location associated with the information, and processing the information to identify at least the type of item of interest (see at least Abstract and Col 4, lines 61 – 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Treyz with the method and system of Esposito for a shopping assistance service comprising (a) capturing information about an item of interest at a business premises where the item is being offered; by a user using a mobile device and sending the information, at the time of capture, to a service system over at least a mobile radio infrastructure; (b) receiving the information at the

service system, determining a location associated with the information, and processing

the information to identify at least the type of item of interest; (c) delivering, to said user,

at least one of comparative-pricing and availability data for items of the type identified in

step (b) for at least one of other business premises in a zone centered on said location .

Treyz discloses a method and system for a shopping assistant service for (a) capturing

information about an item of interest at a business premises where the item is being

offered; by a user using a mobile device and sending the information, at the time of

capture, to a service system over at least a mobile radio infrastructure; (c) delivering, to

said user, at least one of comparative-pricing and availability data for items of the type

identified in step (Abstract, Col 1, lines 6 - 9 and Figures 1, 2, 28, 42, 72 and 96).

Esposito discloses a method and system for a shopping assistant service for (b)

receiving the information at the service system, determining a location associated with

the information, and processing the information to identify at least the type of item of

interest (Abstract and Col 4, lines 61 – 63). Therefore one of ordinary skill in the art at

the time of the invention would have been motivated to extend Treyz with a method and

system for receiving the information at the service system, determining a location

associated with the information, and processing the information to identify at least the

type of item of interest. In this manner, the online wireless shoppers can locate

themselves, which will increase customer satisfaction. With this increase in customer

satisfaction, the probability will be increased that the customer will continue to use the

method and system, which will increase sales as well profits for participating

commercial entities.

Regarding claim 2 and related claim 18, Esposito teaches a method, wherein said location is that of the business premises where the item is being offered (Col 5, lines 1 – 6).

Regarding claim 4 (currently amended), Treyz teaches a method, wherein said location is a predetermined location specified by the party responsible for sending the information to the service system in a user profile held by the service system (see at least Figure 19). Please note that Treyz does not specifically refer to profile. However, Treyz does disclose service providers and associated customer account. Therefore, one of ordinary skill in the art would have been motivated to extend Treyz with a user profile (i.e. account).

Regarding claim 5 (currently amended), Treyz teaches a method, wherein step (b) includes determining multiple locations associated with said information, one said location being that of the business premises where the item is being offered and another said location being a predetermined location specified by to the said user either in a user profile held by the service system or in said information; step (c) determining, at least one of comparative-pricing and availability data for items of said identified type from business premises in a respective zone centered on each of said locations (figures 28, 42, 72 and 96).

Regarding claim 6. (currently amended), Treyz teaches a method, wherein for the location determined in step (b), step (c) includes organizing said data output according to identified zones of different accessibility from said location (Figure 72).

Regarding claim 7 and related claims 22 (original), 24, 28 and 30 (New), Treyz teaches a method, wherein said zones comprise at least two from the following: a convenient walking zone around said location; a convenient driving zone around said location; an internet-accessible zone with delivery to said location (Figures 28 and 42).

Regarding claim 11, Esposito teaches a method, wherein the processing of said information in step (b) involves one or more of the following operations: extracting data from specific data fields (Col 5, lines 1 – 4); analyzing image data included in said information using OCR techniques; matching image data included in said information against stored image data; interpreting bar code image data included in said information; applying speech recognition to recorded audio data included in said information.

Regarding claim 12, Treyz teaches a method, wherein said specific task is selected by the party responsible for sending the information in step (a), the selected task being explicitly specified in said information sent to the service system (Figures 19 and 23).

Regarding claim 14 (currently amended), Treyz teaches a method, wherein said output

is made available, said user in one or more of the following ways: by return over a data

channel used to the send the information to the service system in step (a); by electronic

mail to a electronic mail address specified in said information or in a user available to

profile held by the service system in respect of said party (Figure 7); by print out and

mailing of the print out to a physical mail address specified in said information or in a

user profile held by the service system in respect of said party; by making said output

available at a web site accessible by said party.

Regarding claim 15, Esposito teaches a method, wherein said item of interest is a

product on offer for sale or hire (Col 5, lines 20 – 21).

Regarding claim 16, the recitation that "wherein said item of interest is a service", such

recitation is given little patentable weight because it imparts no structural or functional

specificity which serves to patentably distinguish the instant invention from the other

"sale or hire" already disclosed by Esposito.

Regarding claim 26 (New) and related claim 29, Treyz teaches a system, wherein said

information further includes an indication of at least one further location specified by

said user, the processing subsystem being arranged to identify said at least one further

location and the task subsystem being arranged to determine at least one of

comparative-pricing and availability data for items of said identified type from business

premises in a respective zone centered on each said location (Figures 2, 16, 17 and 28).

Regarding claim 27 (New), Treyz teaches a system, wherein for each location determined by the processing subsystem, the task subsystem is arranged to organize said data according to identified zones of different accessibility from that location (Figure 42).

Regarding claim 31 and related claims 33 and 35 (New), Treyz teaches a method, wherein the comparative pricing data are not delivered to said user (Figure 29).

Regarding claim 32 and related claims 34 and 36 (New), Treyz teaches a method, wherein the availability data are not delivered to said user (Figure 29).

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Treyz and Esposito as applied to claims 1 and 18 above, and further in view of Semple (US 6,408,307 B1).

The combination of Treyz and Esposito substantially disclose the applicant's invention.

However, the combination does not specifically disclose a shopping assistance service, wherein said location is determined in one of the following ways: by extraction from said

information as specific data included by the sender; by request to a location server of a mobile radio infrastructure through which said information has been sent to the service system from a mobile entity; by reference to a database relating business identity to location, said information including the identity of the business where the item is on offer; by processing of image data included in said information.

On the other hand and regarding claim 3 and related claim 19 (original), Semple teaches a method and system, wherein said location is determined in one of the following ways: by extraction from said information as specific data included by the sender; by request to a location server of a mobile radio infrastructure through which said information has been sent to the service system from a mobile entity; by reference to a database relating business identity to location, said information including the identity of the business where the item is on offer (Abstract and Figure 1); by processing of image data included in said information.

It would have been obvious to have provided the combination of Treyz and Esposito with the method and system of Semple to have enabled a method, wherein said location is determined in one of the following ways: - by extraction from said information as specific data included by the sender; - by request to a location server of a mobile radio infrastructure through which said information has been sent to the service system from a mobile entity; by reference to a database relating business identity to location, said information including the identity of the business where the item is on offer; by

processing of image data included in said information – in order to provide the recipient

with the premises that are close to their location. The combination of Treyz and

Esposito disclose a method and system for a shopping assistance service comprising

(a) capturing information about an item of interest at a business premises where the

item is being offered; by a user using a mobile device and sending the information, at

the time of capture, to a service system over at least a mobile radio infrastructure; (b)

receiving the information at the service system, determining a location associated with

the information, and processing the information to identify at least the type of item of

interest. (c) delivering, to said user, at least one of comparative-pricing and availability

data for items of the type identified in step (b) for at least one of other business

premises in a zone centered on said location. Semple teaches a shopping assistance

service a method and system, wherein said location is determined in one of the

following ways: by reference to a database relating business identity to location, said

information including the identity of the business where the item is on offer (Abstract

and Figure 1); by processing of image data included in said information. Therefore, one

of ordinary skill in the art would have been motivated to extend the combination of Treyz

and Esposito with the method and system for a shopping assistant service, wherein said

location is determined in one of the following ways: by extraction from said information

as specific data included by the sender; by request to a location server of a mobile radio

infrastructure through which said information has been sent to the service system from

a mobile entity; by reference to a database relating business identity to location, said

information including the identity of the business where the item is on offer; by

processing of image data included in said information. In this manner, the probability

that the customer satisfaction of the online recipient will be increased with these geo

orienting features and thereby improve the probability that they will return in the future

for additional selections as well as recommend the site to others.

Response to Arguments

Applicant's arguments with respect to claims 1 – 7, 11 – 12, 14 19, 21 – 22 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306   [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner